

## REMARKS

This Amendment is responsive to the Examiner's non-final Office Action mailed November 2, 2006. The Examiner's comments in that Action have been carefully considered.

Applicants respectfully request that the due date for filing this response be extended two months, from February 2, 2006, to April 2, 2006. Please charge \$450 in payment of the two-month extension fee plus any remainder due to our Deposit Account No.10-0100.

The Examiner has indicated that claims 1, 3, 7 and 9 have been objected to because in claim 1 the phrase "the selected" has an antecedent issue, as does claim 3. Claims 7 and 9 have been objected to for the same reason. In order to address and overcome this objection, claims 1 and 7 have been amended. It is initially noted, however, that claim 1, for example, recited "a user operative member for *selecting one of* said plurality of pronunciation fluency levels." It is believed that the italicized language in the aforementioned phrase provided the antecedent basis for the terms objected to by the Examiner. Nevertheless, claims 1 and 7 have been amended to positively introduce "a selected" pronunciation fluency level and, once so introduced, it is believed that the subsequent references to "the selected" pronunciation fluency level avoids antecedent issues. Accordingly, it is respectfully suggested that independent claims 1 and 7, as well as dependent claims 3 and 9 no longer have antecedent basis issues and respectfully request that this objection be reconsidered and withdrawn.

Claims 1 and 7 have also been rejected as being fully anticipated by a new reference, namely U.S. Patent No. 5,634,086 to Rtischev et al. In making the rejection of claims 1 and 7, the Examiner takes the position that Rtischev et al. teaches each and every element recited in these independent claims, including a database for storing a plurality of reference pronunciation data of a sentence of the same language and corresponding to a plurality of pronunciation

fluency levels for the sentence. See, for example, the paragraph bridging pages 2 and 3 of the Office Action. However, for reasons that are more fully discussed below, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

The Examiner states that Rtischev et al., U.S. Patent No. 5,634,086, discloses “a database for storing reference pronunciation data...of sentence...of the same language...and corresponding to a plurality of pronunciation fluency levels for the sentence.” However, Rtischev et al. merely teaches that a finite state grammar set corresponding to the range of word sequence patterns in the lesson is employed as a constraint on the hidden Markov model (HMM) search apparatus in a HMM speech recognizer that includes a set of hidden Markov models of target-language narrations (scripts) produced by native speakers of the target language (column 3, lines 23-26). Fig. 4B is a flow diagram of the tracking process (Steps B, H, Q) used by the “finite state machine” (“FSM”) of Fig. 4A.

Referring to Fig. 4B, the tracking process examines one second of input speech (Step AC) using, for example, a hidden Markov model of speech patterns corresponding to the preselected script. The FSM updates the counters (i & j) to the current position (Step AD) and tests to determine whether the last sentence has been recited (Step AE). If so, the tracking process is exited (Step AF). If the last sentence has not been recognized, the FSM then computes a pause indicator, at AG, which is in general indicative of the length of a pause. It is then compared with a pause indicator threshold for the current position (i, j) and exercise strictness level (Step AH). If the pause indicator exceeds the threshold, the tracking process is exited (Step AI). If it does not, the FSM computes a reject indicator (Step AJ). The reject indicator, which is in general indicative of the likelihood that the user is not producing speech corresponding to the

preselected script, is computed, for instance, by summing all the reject phones returned by the recognizer since the last word (column 7, lines 5-25).

Thus, it is not believed that Rtischev et al. discloses “a database for storing a plurality of reference pronunciation data of a sentence of the same language and corresponding to a plurality of pronunciation fluency levels for the sentence.”

In fact, an examination of the newly applied reference indicates that nowhere in the patent is the word “database” mentioned even once. The term “data” is used only in a very limited sense and mentioned, for example, in the paragraph at column 8, starting at line 40 in connection with “training data” which may be recorded although the pause model 154 is a phone which is trained on “non-speech segments” of the training data. It is also indicated that the model 156 for the reject phone is one which is trained on a “wide variety of speech” which has been selected randomly or periodically from the training data.

The only other mention of “data” appears to be a reference to an “array of data” in column 8, line 63 in which an array of data 182 is described as being a subset of the score set 120 identifying the elements of good speech by type. Types of such “good” speech include words, pause elements and reject elements. Nowhere in connection with training data or array of data, aforementioned, is there any disclosure or suggestion that these form part of a database for storing a plurality of reference pronunciation data of the sentence of the same language and corresponding to a plurality of pronunciation fluency levels for a sentence. Accordingly, in view of the foregoing, it is believed that Rtischev et al. fails to teach or even remotely suggest such a database as required in independent claims 1 and 7. Accordingly Rtischev et al. does not and cannot fully anticipate the claims of record.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejections on the basis of the newly cited reference to Rtischev et al '086.

This application is now believed to be in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

*Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted.* COSTS FOR SUCH EXTENSION(S) AND/OR ANY OTHER FEE DUE WITH THIS FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

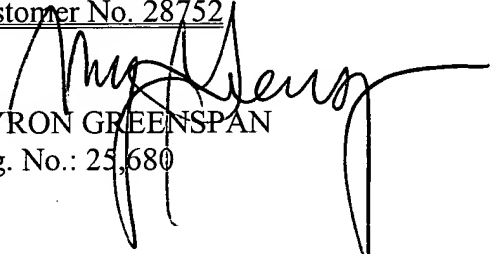
**Date: March 23, 2006**

Lackebach Siegel LLP  
One Chase Road  
Scarsdale, NY 10583  
Telephone: 914 723 4300

MG/ae

**Respectfully submitted,**

LACKENBACH SIEGEL LLP  
Attorneys for Applicant(s)  
Customer No. 28752

By:   
MYRON GREENSPAN  
Reg. No.: 25,680